

Lexington, Kentucky March 9, 2006

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on March 9, 2006 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding and the following members of the Council: Council Members Lane, McChord, Myers, Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer and Gorton. Absent was Council Member Moloney.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 41-2006 thru 52-2006 inclusive and Resolutions No. 69-2006 thru 89-2006 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky March 9, 2006

The Invocation was given by Brother Aaron Mosley, Phillips Memorial CME Church.

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Upon motion of Mr. Farmer and seconded by Ms. Shafer, the minutes of the December 12, 2005 and February 9 and 21, 2006 Council Meetings were approved by unanimous vote.

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The following ordinances were given second reading and passed by the following vote:

Aye: Lane, McChord, Myers, Scanlon, Shafer, Stevens, Stinnett,
Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton ----- 14

Nay: ----- 0

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone for 82.16 net (83.76 gross) acres of property located at 2451 Sandersville Road. (Ball Homes, LLC)

An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone for 0.59 net (0.93 gross) acre property located at 2094 and 2098 Harrodsburg Road, subject to certain use and buffer restrictions imposed as conditions of granting the zone change. (James Costello)

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.895 net (0.1276 gross) acre of property located at 108 East Loudon Avenue. (Faith Community Housing)

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.05 net (0.06 gross) acre of property located at 531 Merino Street. (Faith Community Housing)

An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.19 net (0.40 gross) acre of property located at 320 Elm Tree Lane (a portion of). (Faith Community Housing)

An Ordinance changing the zone from an Agricultural Rural (A-R) zone to a Planned Neighborhood Residential (R-3) zone for 36.55 net (42.44 gross) acres of property located at 2811-2909 Spurr Road, subject to certain use and buffering restrictions imposed as a condition of granting the zone change. (Icon Development

Co., LLC)

An Ordinance creating Sections 28-3(h)(6), 28-4(h)(5), and 28-5(h)(5) of the Zoning Ordinance so as to allow additional signage in the MU-1, 2, and 3 zones, repealing Section 28-7 of the Zoning Ordinances, and renumbering Section 28-8.

An Ordinance creating a new section of Chapter 14-58 of the Code of Ordinances of the Lexington-Fayette Urban County Government to prohibit registered sex offenders from being in or loitering within 1,000 feet of a public park, public or private school, registered child-care center or playground, and establishing penalties for violation.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which grant funds are in the amount of \$5,000.00 Federal funds, are for the purchase of computer equipment, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 163, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 161.

An Ordinance amending Sections 2-381(2) , 2-382 and 2-383(2), (3) and (4) of the Code Ordinances, relating to the Court-Appointed Special Advocate Board, to change reference from “project” to “program”, and amending Section 2-382 to provide that the Board’s by-laws may provide for a greater number of members, that membership on the board shall not automatically include active CASA volunteers, and that the Fayette County Family Court Judges shall serve as ex officio members of the Board.

An Ordinance amending Section 23-5 of the Code of Ordinances abolishing one (1) position of Firefighter, Grade 311N, and creating one (1) position of Fire Captain, Grade 316N, in the Div. of Fire, and appropriating funds pursuant to Schedule No. 169.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the U.S. Dept. of Justice, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which

grant funds are in the amount of \$137,426.00 Federal funds under the Edward Byrne Memorial Justice Assistance Grant Program, are for the purchase of copiers, microphones, scramble boards, a horse for the mounted patrol, a canine for tracking and various equipment for narcotics enforcement, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2007 Schedule No. 1 and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute a Services Agreement with Parsons, Brinckerhoff, Quade and Douglas, Inc., for the Lexington area Metropolitan Planning Organization Regional Bicycle and Pedestrian Master Plan, at a cost not to exceed \$155,000.00, and appropriating funds pursuant to Schedule No. 168.

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An Ordinance authorizing the Mayor to execute an Agreement with TAC Air, for the storage of a Bell 206 Helicopter, at a cost not to exceed \$8,400.00 was given first reading.

Upon motion of Mr. Lane and seconded by Ms. Gorton, the rules were suspended by majority vote. The ordinance was given second reading and passed by the following vote:

Aye: Lane, McChord, Myers, Scanlon, Shafer, Stevens, Stinnett,
Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton ----- 14

Nay: ----- 0

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The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance amending Section 21-5 of the Code of Ordinances reallocating one (1) vacant position of GIS Specialist from Grade 110N to Grade 114N, within the Div. of Engineering, effective upon the date of its passage; reallocating one (1) vacant position of GIS Specialist from Grade 110N to Grade 114N, within the Div. of Planning, effective upon the date of its passage; reallocating one (1) vacant position of GIS Specialist from Grade 110N to 114N, within the Div. of Enhanced 911, effective upon the date of its passage; reallocating one (1) position of GIS Specialist from Grade 110N to Grade 114N and reclassifying the incumbent, within the Div. of Computer Services, effective retroactive to November 16, 2005; reallocating one (1) position of GIS Specialist from

Grade 110N to Grade 114N, and reclassifying the incumbent, within the Div. of Engineering, effective retroactive to November 16, 2005; reallocating one (1) position of GIS Specialist from Grade 110N to Grade 114N, and reclassifying the incumbent, within the Div. of Planning, effective retroactive to November 16, 2005; and reallocating one (1) position of GIS Specialist from Grade 110N to Grade 114N, and reclassifying the incumbent, within the Div. of Enhanced 911, effective retroactive to November 16, 2005; and appropriating funds pursuant to Schedule No. 172.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Staff to Council II, Grade 000E, and creating two (2) positions of Staff to Council II – P/T, Grade 000E, in the Council Office, and appropriating funds pursuant to Schedule No. 171.

An Ordinance amending Sections (c) and (d) of Section 21-34 of the Code of Ordinances and Sections (a)(b)(d) and (e) of Section 21-39 of the Code of Ordinances to adjust the language of the Ordinances to comply with current law including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Workers' Compensation Law and current Lexington-Fayette Urban County Government Workers' Compensation procedures.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Bluegrass Area Development District, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$76,073.00 Federal funds, are for operation of the Senior Citizens Center in FY 2007, the acceptance of which obligates the Urban County Government for the expenditure of \$136,790.00 as a local match, appropriating funds pursuant to FY 2007 Schedule No. 2, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 170.

An Ordinance amending Section 23-5 of the Code of Ordinances creating twenty four (24) positions of Firefighter, Grade 311N, four (4) positions of Fire Lieutenant, Grade 315N, and two (2) positions of Fire Captain, Grade 316N, in the Div. of Fire, to

become effective April 3, 2006.

An Ordinance pursuant to Ordinance No. 197-2002 adjusting the salaries of various employees, in various divisions, after review pursuant to the Pay Equity Ordinance, effective retroactive to January 23, 2006; and appropriating funds pursuant to Schedule No. 176.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Board of Emergency Medical Services, which grant funds are in the amount of \$10,017.00 Commonwealth of Ky. funds, are for the purchase of emergency medical services equipment, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 175, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute Change Order No. 1 to the contract with Minnifield Enterprises, Inc., for Adult Services Renovation, increasing the contract price by the sum of \$11,433.00 from \$106,228.00 to \$117,661.00, and appropriating funds pursuant to Schedule No. 164.

An Ordinance authorizing the issuance of its \$14,485,000 Various Purpose General Obligation Notes (Series 2006A) (which amount may be increased or decreased by an amount of up to ten percent (10%)); approving a form of Note; authorizing designated officers to execute and deliver the Notes; authorizing the filing of notice with the state local debt officer; providing for the payment and security of the Notes; creating a Note Payment Fund; creating a Sinking Fund; authorizing acceptance of the proposal of the purchaser of the Notes; and repealing inconsistent ordinances; and appropriating funds pursuant to the Schedule attached hereto as Annex B.

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The following resolutions were given second reading and passed by the following vote:

Aye: Lane, McChord, Myers, Scanlon, Shafer, Stevens, Stinnett,
Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton ----- 14

Nay: ----- 0

A Resolution accepting the bid of UZ Engineering Products establishing a price contract for fasteners, for the Div. of Fleet Services.

A Resolution accepting the bid of L. P. Wire Ties Systems establishing a price contract for bailing wire, for the Div. of Solid Waste.

A Resolution accepting the bid of Jones Chemicals, Inc. establishing a price contract for sulfur dioxide, for the Div. of Sanitary Sewers.

A Resolution accepting the bids of Lexington Industrial Co., Inc., Magnetech Industrial Services, Inc., and Crush Bearings and Drives establishing price contracts for electrical motor repair.

A Resolution making a declaration of Official Intent with respect to reimbursement from subsequent borrowings of temporary advances made for capital expenditures for the Bluegrass-Aspendale Community School and related neighborhood projects, in the aggregate amount of \$2,900,000.00.

A Resolution establishing a Residential Parking Permit Program for 306 and 318 Foreman Avenue twenty-four (24) hours per day, Monday through Sunday; waiving the provisions relating to the mechanics of designating Residential Parking Permit areas adopted by Resolution No. 168-90 and amended by Resolution No. 450-91.

A Resolution authorizing the Div. of Traffic Engineering to install at the intersection of Eastland Parkway and New Circle Road, and at the intersections of Meadow Lane, Rookwood Parkway, St. Anthony Drive, Northside Drive and Bryanwood Parkway with Bryan Station Road, proper and appropriate signs designating same as prohibited to thru truck travel.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from W. Nelson McMakin, and W. Nelson McMakin as trustee for William Michael McMakin, Martin Dennis McMakin and Juliana McMakin Mullinx, for property located at 2045 Cambridge Drive, for the Valley Park Sanitary Sewer Project, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Memorandum of Understanding with Federal Prison Industries, Inc. (d/b/a Unicor), for recycling of electronic waste, at a cost of 5 cents per pound/shipment not to exceed \$2,500.00.

A Resolution amending Section 3(b) of Resolution No. 563-2003 to eliminate the references to and corresponding street number changes for 3505 and 3507 Brush Creek

Drive, and to change the references to and corresponding street number changes for 3504A and 3504B Brush Creek Drive to 3510 and 3508 Brush Creek Drive.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Joe and Alberta Isaac, for property located at 131 West New Circle Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$35,900.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed of permanent storm sewer easement and temporary construction easement from Christopher and Korey Yelton located at 145 Rosemont Garden, for the Dantzler Arcadia Cherokee Park Phase II Project, and authorizing payment in the amount of \$7,075.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed of permanent storm sewer easement and temporary construction easement from James Shumaker and Yan Zhao Shumaker located at 149 Rosemont Garden, for the Dantzler Arcadia Cherokee Park Phase II Project, and authorizing payment in the amount of \$6,350.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Price Contract with LexisNexis, for public record search services, for the Div. of Revenue.

A Resolution accepting the bid of Red River Ranch, LLC, in the amount of \$189,258.00 for removal of sediment at Gainesway Pond.

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A Resolution ratifying the probationary civil service appointments of: Jeremy Asbery, Public Service Worker Sr., Grade 107N, \$10.275 hourly, in the Div. of Streets, Roads & Forestry, effective February 20, 2006; Ward Higgins, Equipment Operator Sr., Grade 109N, \$12.713 hourly, in the Div. of Streets, Roads & Forestry, effective February 6, 2006; Thomas Keller, Public Service Supervisor, Grade 111N, \$19.933 hourly, in the Div. of Streets, Roads & Forestry, effective February 6, 2006; Christopher Taylor, Planning Technician, Grade 110N, \$12.932 hourly, in the Div. of Planning, effective March 6, 2006; Jerry Gould, Stores Clerk, Grade 106N, \$15.168 hourly, in the Div. of Parks, effective March 20, 2006; Louis Weckerling, Skilled Trade Worker Sr./HVAC, Grade 113N, \$15.557 hourly, in the Div. of Building Maintenance & Construction, effective March 6, 2006;

Charlotte Turley, Enforcement Officer, Grade 110N, \$11.864 hourly, in the Div. of Solid Waste, effective March 6, 2006; ratifying the permanent civil service appointments of: Tasha Stevens, Staff Assistant, Grade 107N, in the Div. of Streets, Roads & Forestry, effective February 11, 2006; Diana Franklin, Staff Assistant, Grade 107N, in the Div. of Police, effective February 22, 2006; Cassandra Bunton, Communications Officer, Grade 111N, in the Div. of Police, effective February 22, 2006; Rebecca Burke, Staff Assistant Sr., Grade 108N, in the Div. of Revenue, effective February 22, 2006; approving the unclassified civil service appointment of: Sarah Darnall, Administrative Specialist Sr., Grade 112N, \$14.342 hourly, in the Mayor's Office, effective February 6, 2006; Monica Santa-Teresa, Staff Assistant Sr., Grade 108N, \$13.910 hourly, in the Office of the Coroner, effective February 20, 2006; Dawna Cobb, Client Assessment Counselor, Grade 112E, \$1,601.68 bi-weekly, in the Mayor's Training Center; James Dellacamera, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective February 6, 2006; Erica Murray, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective February 6, 2006; Timothy Richardson, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective February 13, 2006; David Hart, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective February 14, 2006; Matthew Jordan, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective February 21, 2006; approving the voluntary demotion of: Shelly Bendall, Program Specialist, Grade 112E, \$1,340.72 bi-weekly, in the Div. of Solid Waste, to Administrative Specialist, Grade 110N, \$15.235 hourly, in the Div. of Environmental and Emergency Management, effective February 20, 2006; amending Resolution No. 54-2006 to remove Ernest Clark, Public Service Supervisor, Grade 111N, \$16.076 hourly, in the Div. of Streets, Roads & Forestry, effective February 6, 2006; to correct the effective dates of Paul See, Fire Captain, Grade 316N, \$19.498 hourly, in the Div. of Fire; Tim May, Fire Captain, Grade 316N, \$19.498 hourly, in the Div. of Fire; Michael Farmer, Fire Lieutenant, Grade 315N, \$14.749 hourly, in the Div. of Fire; James Harrod, Fire Lieutenant, Grade 315N, \$14.749 hourly, in the Div. of Fire from January 23, 2006 to January 9, 2006; amending Resolution No. 2-2006 to correct the hourly rate of Heidi Lawson, Public Service Worker, Grade 106N, \$9.819 hourly, in the Div. of Parks from \$9.263 hourly to \$9.819, change effective January 23, 2006 was on the docket for second reading.

Upon motion of Ms. Gorton, seconded by Ms. Shafer and passed by unanimous vote, the resolution was amended to correct the hourly pay of the probationary civil service appointment of Louis Weckerling, Skilled Trades Worker Sr./HVAC, from \$15.557 hourly to \$17.112 hourly, in the Div. of Building Maintenance & Construction, effective March 6, 2006; to correct the hourly pay of the unclassified civil service appointment of Monica Santa-Teresa, Staff Assistant Sr., from \$13.910 hourly to \$11.237 hourly, in the Office of the Coroner, effective February 20, 2006; and insert the effective date of March 6, 2006 for the unclassified civil service appointment of Dawna Cobb, Client Assessment Counselor, in the Mayor's Training Center.

Ms. Gorton stated that this was a typographical correction and not a material correction and that the resolution could be given second reading.

A Resolution ratifying the probationary civil service appointments of: Jeremy Asbery, Public Service Worker Sr., Grade 107N, \$10.275 hourly, in the Div. of Streets, Roads & Forestry, effective February 20, 2006; Ward Higgins, Equipment Operator Sr., Grade 109N, \$12.713 hourly, in the Div. of Streets, Roads & Forestry, effective February 6, 2006; Thomas Keller, Public Service Supervisor, Grade 111N, \$19.933 hourly, in the Div. of Streets, Roads & Forestry, effective February 6, 2006; Christopher Taylor, Planning Technician, Grade 110N, \$12.932 hourly, in the Div. of Planning, effective March 6, 2006; Jerry Gould, Stores Clerk, Grade 106N, \$15.168 hourly, in the Div. of Parks, effective March 20, 2006; Louis Weckerling, Skilled Trade Worker Sr./HVAC, Grade 113N, \$17.112 hourly, in the Div. of Building Maintenance & Construction, effective March 6, 2006; Charlotte Turley, Enforcement Officer, Grade 110N, \$11.864 hourly, in the Div. of Solid Waste, effective March 6, 2006; ratifying the permanent civil service appointments of: Tasha Stevens, Staff Assistant, Grade 107N, in the Div. of Streets, Roads & Forestry, effective February 11, 2006; Diana Franklin, Staff Assistant, Grade 107N, in the Div. of Police, effective February 22, 2006; Cassandra Bunton, Communications Officer, Grade 111N, in the Div. of Police, effective February 22, 2006; Rebecca Burke, Staff Assistant Sr., Grade 108N, in the Div. of Revenue, effective February 22, 2006; approving the unclassified civil service appointment of: Sarah Darnall, Administrative Specialist Sr., Grade 112N, \$14.342 hourly, in the Mayor's Office, effective February 6, 2006; Monica Santa-Teresa, Staff Assistant Sr., Grade 108N, \$11.237 hourly, in the Office of the

Coroner, effective February 20, 2006; Dawna Cobb, Client Assessment Counselor, Grade 112E, \$1,601.68 bi-weekly, in the Mayor's Training Center, effective March 6, 2006; James Dellacamera, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective February 6, 2006; Erica Murray, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective February 6, 2006; Timothy Richardson, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective February 13, 2006; David Hart, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective February 14, 2006; Matthew Jordan, Police Trainee, Grade 311N, \$14.560 hourly, in the Div. of Police, effective February 21, 2006; approving the voluntary demotion of: Shelly Bendall, Program Specialist, Grade 112E, \$1,340.72 bi-weekly, in the Div. of Solid Waste, to Administrative Specialist, Grade 110N, \$15.235 hourly, in the Div. of Environmental and Emergency Management, effective February 20, 2006; amending Resolution No. 54-2006 to remove Ernest Clark, Public Service Supervisor, Grade 111N, \$16.076 hourly, in the Div. of Streets, Roads & Forestry, effective February 6, 2006; to correct the effective dates of Paul See, Fire Captain, Grade 316N, \$19.498 hourly, in the Div. of Fire; Tim May, Fire Captain, Grade 316N, \$19.498 hourly, in the Div. of Fire; Michael Farmer, Fire Lieutenant, Grade 315N, \$14.749 hourly, in the Div. of Fire; James Harrod, Fire Lieutenant, Grade 315N, \$14.749 hourly, in the Div. of Fire from January 23, 2006 to January 9, 2006; amending Resolution No. 2-2006 to correct the hourly rate of Heidi Lawson, Public Service Worker, Grade 106N, \$9.819 hourly, in the Div. of Parks from \$9.263 hourly to \$9.819, change effective January 23, 2006 was given second as amended and passed by the following vote:

Aye: Lane, McChord, Myers, Scanlon, Shafer, Stevens, Stinnett,
Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton ----- 14

Nay: ----- 0

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The following resolutions were given first reading. Upon motion of Ms. Shafer and seconded by Mr. DeCamp, the rules were suspended by unanimous vote. The resolutions were given second reading and passed by the following vote:

Aye: Lane, McChord, Myers, Scanlon, Shafer, Stevens, Stinnett,
Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton ----- 14

Nay: ----- 0

A Resolution adopting the Goals and Objectives for the 2006 Comprehensive Plan, including a mission statement, goals to provide planning processes which enable widespread citizen participation and benefit Lexington-Fayette County; to promote regional planning and coordination throughout the inner Bluegrass Region; to promote land uses which are sensitive to the natural and built environment; to develop and implement a greenspace system that preserves the urban and rural identity of the Bluegrass and provides a framework for regional and local planning; to protect and preserve Fayette County's significant historic and cultural heritage; to maintain and enhance the agricultural economy, horse farms, general agricultural farms, and rural character in the Rural Service Area; to support and uphold the Urban Service Area concept and related growth management strategies; to create strategies that enable and encourage appropriate infill and redevelopment of established developments and neighborhoods; to maintain the boundaries and manage the land use in established Rural Activity Centers; to preserve, promote and enhance those aspects of our natural, built, and cultural environment that encourage tourism; to provide diverse business and employment opportunities for Lexington-Fayette County; to ensure the desirability, diversity and vitality of downtown; to provide housing opportunities to meet the needs of all citizens; to establish and promote well-designed communities providing appropriate services to multi-neighborhood areas and encourage community interaction; to preserve, protect and enhance the character and quality of existing neighborhoods; to promote well-designed new development that creates and enhances neighborhoods and communities; to conserve, protect, and develop ground and surface water resources to meet the long- and short-term water supply needs; to provide and maintain essential public services and facilities; to provide and maintain a comprehensive transportation system; to provide and maintain a range of community facilities and services; to develop strategies to effectively implement the recommendations of the Comprehensive Plan and other adopted community plans; and ancillary objectives to achieve each goal.

A Resolution requesting that Ky. U. S. Congressional delegation support a comprehensive immigration reform package which includes a temporary worker program that addresses the needs of all of Ky.'s work places, including, but not limited to the equine and agricultural industries, and that allows sufficient means for trained and experienced

workers who lack proper status to earn legal status subject to future conditions of employment and lawful behavior, and hereby notifying U. S. Senators Jim Bunning and Mitchell McConnell, and U. S. Congressman Ben Chandler of this request.

A Resolution authorizing the advertisement for bids and the distribution of a Preliminary Official Statement for the purchase of the principal amount of its \$14,485,000 Various Purpose General Obligation Notes (Series 2006A) (which amount may be increased or decreased by an amount of up to ten percent (10%)).

A Resolution pursuant to KRS 381.755 and 901 KAR 5:090 authorizing the removal and relocation of graves in an abandoned cemetery located upon property at 350 Waveland Museum Lane owned by Stone Land, LLC.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed of Temporary Construction Easement from Jacquelyn Forbes, Steven Forbes and Carol Forbes located at 139 Suburban Court, for the Dantzler Arcadia Cherokee Park Phase II Project, and authorizing payment in the amount of \$525.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute an Option and Lease Agreement with Powertel/Memphis, Inc., for the lease of 600 square feet in Veterans Park for the erection of a freestanding monopole cell tower, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Development Agreement with C. M. Gatton Trust U/A dated January 7, 1995, C. M. Gatton, Trustee, Haymaker Development Co., LLC, and Board of Education of Fayette County, Ky., for construction of the extension of Star Shoot Parkway.

A Resolution authorizing the Mayor to execute an Amendment of Option Agreement with the Board of Education of Fayette County, Ky., for property for a school site near the extension of Star Shoot Parkway, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Amended Agreements with the Lexington-Fayette Urban County Human Rights Commission (\$68,000.00) and Fayette County Legal Aid, Inc. (\$55,000.00), for Purchase of Services for FY 2006, at a total cost not to exceed \$123,000.

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A Resolution ratifying the probationary civil service appointments of: Chad Cottle, Deputy Director Computer Services, Grade 121E, \$3,065.12 bi-weekly, in the Div. of Computer Services, effective February 20, 2006; Theodrick Hersey, Social Worker, Grade 111E, \$1,321.28 bi-weekly, in the Div. of Youth Services, effective March 20, 2006; ratifying the permanent civil service appointments of: Josh Herald, Golf Pro Assistant, Grade 109N, in the Div. of Parks, effective March 17, 2006; Sara Morris, Communications Officer Sr., Grade 113N, in the Div. of Police, effective March 16, 2006; Karen Tribble, Staff Assistant Sr., Grade 108N, in the Div. of Risk Management, effective March 6, 2006; ratifying the permanent sworn appointments of: Jonathan Sherrod, Police Lieutenant, Grade 317E, in the Div. of Police, effective March 5, 2006; James Wright, Police Sergeant, Grade 315N, in the Div. of Police, effective March 5, 2006; Jonathan Bastian, Christopher Cooper, David Flannery, David Dewolfe, Brandy Johnson, Kyle Toms, Anthony Bottoms, Devan Gales, Benjerman Hallock, James Mitchell, Katie Rhea, Thomas Perkins, Nathan Williams, Police Officer, Grade 311N, in the Div. of Police, effective March 15, 2006; approving leave of absence for: Lindora Harris, Administrative Specialist Sr., Grade 112N, in the Div. of Human Resources, requests a 90 day Council approved leave without pay from March 1, 2006 through May 31, 2006; Suzanne Taylor, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, requests a 90 day Council approved leave without pay from January 1, 2006 through March 31, 2006 was on the docket for first reading.

Upon motion of Ms. Gorton, seconded by Mr. Farmer and passed by unanimous vote, the resolution was amended to add the unclassified civil service appointment of Kivvi Figgs, Social Worker Sr., Grade 113E, \$1,469.52 bi-weekly, in the Dept. of Social Services, effective March 20, 2006.

The resolution was given first reading as amended. Upon motion of Ms. Shafer and seconded by Mr. DeCamp, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Lane, McChord, Myers, Scanlon, Shafer, Stevens, Stinnett,
Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton ----- 14

Nay: ----- 0

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The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of Bluegrass Contracting Corp., in the amount of \$372,637.50, for I-75 Noise Abatement Project, for the Div. of Engineering.

A Resolution accepting the bid of Manning Equipment, LLC establishing a price contract for snow plow equipment, for the Div. of Fleet Services.

A Resolution accepting the bid of Onyx Environmental Services, LLC establishing a price contract for lighting waste disposal, for the Div. of Solid Waste.

A Resolution accepting the bid of Air Mechanical & Service Corp. of Ky., in the amount of \$35,527.00, for HVAC replacement at Family Care Center, for the Div. of Building Maintenance and Construction.

A Resolution accepting the bid of Post Printing Co. establishing a price contract for printing Div. of Solid Waste Newsletter for Spring/Fall 2006.

A Resolution accepting the bids of VAP Professional Products (Verdicon), Turfgrass, Inc., Agrilience/ProSource One, Regal Chemical Co., Lesco, Inc. and Simplot Partners establishing a price contract for horticulture products, for the Div. of Parks.

A Resolution supporting House Bill 656, relating to Wireless Enhanced 911 Services, and hereby notifying Governor Ernie Fletcher, Senate President David L. Williams, House Speaker Jody Richards, and Fayette County's Legislators of this support.

A Resolution amending Sections 1.102, 1.104 and 1.105 of the Rules and Procedures of the Lexington-Fayette Urban County Council, which were adopted by Resolution No. 55-79, as amended, to provide that the core staff of the Urban County Council, the Council Administrator, the Administrative Specialist Sr., the Research Analyst and the Staff Assistant Sr., shall be full time classified civil service employees; to provide that each Councilmember may appoint his or her Aide to Council, two part-time Aides, when such positions have been created, or may agree to share an Aide to Council, providing that the Aides shall be full time temporary employees in the unclassified civil service; to provide that the persons holding the position of Aide to Council shall serve a term of two years unless reappointed by a reelected Councilmember; to provide that Councilmembers may appoint, discipline and dismiss their own Aides to Council with the advice and approval of the Director of Human Resources and the Council shall ratify such

actions; to provide that in the event two Councilmembers share an Aide to Council and one Councilmember is not reelected or for some other reason no longer desires to work with an Aide to Council, the Aide employee shall continue to work for the remaining Councilmember unless the other Councilmember agrees to dismiss the Aide to Council; to provide that the Council Administrator shall be responsible for the discipline of the core staff, shall exercise administrative control over all employees in the office, and shall enact standard operating procedures to address work flow; and to provide that no core staff or Aide may engage in or be asked to engage in political activity while on duty.

A Resolution authorizing the Mayor to execute a Rental Agreement with Lexington Center Corp., for the 2006 Police Awards Banquet at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Agreements with Young Marines Captain Reginald Underwood Unit, Inc. (\$725.00), Independence Place, Inc. (\$800.00), Lansdowne Neighborhood Association, Inc. (\$800.00), and Bluegrass Council of Boy Scouts of America, Inc. (\$2,600.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from ACHBRO, LLC, for property located at 551 West Fourth Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$26,575.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Residency Rotation Agreement and an Addendum to the Agreement with the University of Ky. College of Medicine, for the Family Care Center to serve as an elective residency training site, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Option and Lease Agreement with Powertel/Memphis, Inc., for the lease of 600 square feet in Cardinal Run Park for the erection of a freestanding monopole cell tower, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Option and Lease Agreement with Powertel/Memphis, Inc., for the lease of 600 square feet in Higbee Mill Park for the

erection of a freestanding monopole cell tower, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with Blue Grass Trust for Historic Preservation, Inc. (\$2,150.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with L & M Asphalt Partners, Ltd., for the Alumni Drive Turn Lane Project, decreasing the contract price by the sum of \$5,880.30 from \$210,921.11 to \$205,040.81.

* * *
A Resolution expressing the Urban County Council's strong opposition to the installation of cameras at traffic signals as a method of red light signal enforcement and directing the administration to study and present other possible methods of red light signal enforcement to the Council was on the docket for first reading.

The following revised resolution was considered.

A Resolution expressing the Urban County Council's strong opposition to the installation of cameras at traffic signals as a method of red light signal enforcement and directing the administration not to install cameras for the purpose of red light signal enforcement, but to study and present other possible methods of red light signal enforcement to the Urban County Council was given first reading and ordered placed on file two weeks for public inspection.

* * *
Upon motion of Ms. Shafer, seconded by Mr. DeCamp and passed by unanimous vote, the following communications from the Mayor were approved and are as follows: (1) recommending the appointments of Jane Sherman Bagley, Susan Bartley, Michael McCreary and John A. Wagner to the Bluegrass Crimestoppers Board with terms to expire 3-21-2010 and (2) recommending the reappointment of Barbara Ruff to the Lexington-Fayette County Cemetery Board with a term to expire 3-1-2009. Also, recommending the appointment of Lillian Gentry to the Lexington-Fayette County Cemetery Board with a term to expire 3-1-2009.

* * *
The report from the Div. of Sanitary Sewers for the month of January, 2006 was received and ordered filed.

* * *

Mr. Paul Etter, 3656 Pheasant Run, spoke concerning traffic safety in Lexington and asked the Council to update the speed limits and the traffic laws concerning the use of cell phones while driving.

The Mayor asked Mr. Etter to talk with Mr. Jay Whitehead, Commissioner of the Dept. of Public Works, and stated that he was invited to attend the Traffic Safety Coalition Committee Meetings that were held the second Wednesday of each month in the Phoenix Building.

* * *

Mr. Myers requested that the Vice-Mayor reschedule the Committee of the Whole meeting to March 21, 2006 at 5:00 p.m.

There was a discussion among the Council on the date.

Upon motion of Mr. Myers, seconded by Mr. McChord and passed by unanimous vote, a Committee of the Whole meeting will be held on March 21, 2006 at 5:00 p.m.

* * *

The Council adjourned at 7:58 p.m.

Deputy Clerk of the Urban County Council